IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4277 OF 2004

Sahebrao Shripatrao Patil .. Petitioner
Vs.
Sanjay Bhagwat Dhengale .. Respondent.

Mr.N.P.Shimpi for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 23RD FEBRUARY, 2005

P.C.:

. Heard Mr.Shimpi, learned counsel for the petitioner.

2. This petition is directed against the judgment and order dated 1.7.2003 passed by the appellate Court in Civil Miscellaneous Appeal Nos.179 and 189 of 2002 filed by respondent-plaintiff by which both the appeals were allowed. The appeals were directed against the order dated 16.11.2002 passed by the trial Court below Exhibit 5 and 16. Subject matter of this petition is only the order passed below Exhibit-5. By the order dated 1.7.2003 the petitioner-defendant was restrained from obstructing the respondent-plaintiff from taking water from the Well/ditch in dispute and from

displacing or removing the respondent-plaintiff's electric motor installed on that Well till decision of the suit. Since July 2003, the order of injunction is running against the petitioner. From the perusal of the impugned judgment I am satisfied that there is sufficient material on record to sustain the findings recorded in the impugned order. Keeping that in view and considering that the injunction is running against the petitioner since July 2003, no interference is called for under Article 227 of the Constitution of India. This petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)